



IPW
Docket No.: C1037.70041US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg
Serial No.: 10/613,749
Confirmation No.: 6452
Filed: July 3, 2003
For: NUCLEIC ACID COMPOSITIONS FOR STIMULATING IMMUNE
RESPONSES
Examiner: N. M. Minnifield
Art Unit: 1645

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 23, 2007


Nicole Millette Hawes

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Species Election Requirement mailed June 29, 2007, Applicant hereby elects lung cancer as a species of cancer as recited in claim 95. Of the rejoined method claims, this election embraces at least claims 46, 47, 53-55, 58, 64, 71-74, 77-81, 84, 85, 89, 90, 95, 96 and 98.

It is Applicant's understanding that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to the non-elected species that are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Applicant thanks the Examiner for the acknowledgement that claims 1-4, 8-12, 14, 19-21, 23, 28-33, 44 and 100-105 are allowable. However, Applicant requests clarification of the status of claims 5, 13 and 15 which were initially withdrawn as directed to non-elected species. The

Examiner states that these claims are withdrawn because there is no allowable generic or linking claim. Applicant disagrees. Claim 1 is a generic or linking claim and it is allowable.

The Examiner has searched and examined the elected species and is now required to search and examine additional species. (37 CFR 1.146). Applicant notes that claim 1 is in no way restricted by the previous species election, and its scope embraces claims 5, 13 and 15. Accordingly, Applicant requests either (a) an acknowledgement that claims 5, 13 and 15 are also allowable or (b) that the Examiner search and examine claims 5, 13 and 15.

Similarly, Applicant questions the Examiner's assertion that claims 48-52, 56, 57, 65 and 66 are withdrawn because they do not require all the limitations of the allowable product claim (i.e., claim 1). Respectfully, these withdrawn claims depend from claim 46 which depends from claim 1, and thus they require the limitations of claim 1. No limitation in claim 1 excludes the scope of claims 48-52, 56, 57, 65 and 66. If the Examiner intended that claims 48-52, 56, 57, 65 and 66 be currently withdrawn as directed to a non-elected species (i.e., not lung cancer), then clarification is required as is an acknowledgement that the species of claims 48-52, 56, 57, 65 and 66 will be considered once claim 46 is considered allowable in view of the current species election.

Based on the unresolved status of all the withdrawn claims, Applicant traverses.
(37 CFR 1.143 and 1.146)

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Respectfully submitted,



Maria A. Trevisan
Registration No.: 48,207
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	10/613,749-Conf. #6452
	Filing Date	July 3, 2003
	First Named Inventor	Arthur M. Krieg
	Art Unit	1645
	Examiner Name	N. M. Minnifield
Total Number of Pages in This Submission		Attorney Docket Number
		C1037.70041US00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Species Restriction Requirement; Return Receipt Postcard
		Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Maria A. Trevisan		
Date	July 23, 2007	Reg. No.	48,207

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Dated: July 23, 2007

Signature:  (Nicole Millette Hawes)